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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,639	02/20/2004	William J. Grohe JR.		3440

7590 11/02/2005  
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EXAMINER

CHIN, RANDALL E

ART UNIT PAPER NUMBER

1744

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/781,639

**Applicant(s)**

GROHE, WILLIAM J.

**Examiner**

Randall Chin

**Art Unit**

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

### ***Specification***

2. The disclosure is objected to because of the following informalities: It is suggested that all capital letters **not** be used for the entire application (i.e., specification, abstract and claims).

Appropriate correction is required.

**35 USC § 112**

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. In other words, numerous grammatical errors and awkward language exists. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

**Only a few examples** will be given since they are too numerous to mention specifically. **Some examples** of some unclear, inexact or verbose terms used in the specification are:

Paragraph [0001], "using 18 and 24-volt" should read –using an 18 and 24-volt--.

Paragraph [0005], "as well as changeable pad" is awkwardly written.

Paragraph [Paragraphs [0019] and [0024], "overhead" should read –plan— instead.

Paragraph [0032], the recitation "...uses a fixed length pole 8. Prepare the pole..." is awkwardly written. Also, "to polarity switch 42. Then run them..." is also awkwardly written. Full, clear and proper grammar should be used in order for one to clearly make and/or use the invention.

Paragraph [0037], "Then spot weld top piece" is awkwardly written.

Paragraph [0043], "Using" is misspelled.

Paragraphs [0032] to [0044] appear to be written in "direction" form and such arrangement is awkward and difficult to follow. Please see specifications of cited U.S. patents for examples.

The paragraphs of the "Detailed Description of the Invention" are written in a choppy and awkward manner. Applicant's cooperation is respectfully requested in reviewing and clarifying the entire disclosure for clarity.

4. Claims 1-9 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claims are narrative in form and replete with indefinite and functional or operational language. For example, claims 2, 3 and 9 are narrative in form. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims must be in one sentence form only. Note the format of the claims in the patents cited.

Claim 1, line 1, the recitation "The application of..." is awkward and not typical of claim language. Note also that the recitations "would include" or "would also incorporate" are not positive limitations but only require the ability to so perform. In other words, the terms

—includes—should be used instead. Also, the recitations "is not limited" or "limited" are awkward terms and do not positively set forth any particular structure of the device. The **actual, specific structure/elements of the floor cleaning device** must be set forth and not vague and/or indefinite recitations as is now being recited. Again, please note the format of the claims in the patents cited.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Armbruster '605.

As well as the claims are understood, Armbruster '605 teaches a “cordless” (Fig. 1) battery powered motor 36 (col. 7, lines 36-58), gear box and clutch assembly 26, 40, 42, 46, etc.(Fig. 2; col. 3, lines 37-62) mounted at “the end” of a fixed length pole 30 (when fixed in position) which can be used to strip, scrub or buff floors. Such function merely involves intended use.

As for claim 2, the rechargeable battery 142 (col. 6, lines 26-27) provides voltage power. The language of claim 2 is improper as already stated.

Claim 3 merely involves intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

As for claim 5, pads can be a quick release piece (col. 8, lines 52-56).

As for claim 6, the device has an adjustable mid-pole handle since it's telescopic (Fig. 3; col. 3, lines 29-30).

As for claim 8, Armbruster '605 teaches the use of interchangeability of brush and pad disc (col. 8, lines 9-59).

Claim 9 is of no patentable moment and fails to further limit the claim structurally.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armbruster '605 in view of Carden '635.

Armbruster '605 discloses all of the recited subject matter with the exception of the device having a protective adjustable splash guard. Carden '635 teaches the use of a protective splash guard 18 on a cleaning device. It would have been obvious to one of ordinary skill in the art to have provided Armbruster's device with a protective splash guard as taught by Carden '635 in order to prevent splatter during washing or cleaning. AN adjustable guard would be an obvious arrangement in order to accommodate different sized devices.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armbruster '605 in view of Armbruster '447.

Armbruster '605 discloses all of the recited subject matter with the exception of the device incorporating an adjustable hinge for fixed adjustment. Note, claim 7 fails to specifically recite what is fixedly adjusted. In any case, the patent to Armbruster '447 teaches a cleaning device incorporating an adjustable hinge for fixed adjustment of the cleaning head (col. 4, lines 58-64). It would have been obvious to one of ordinary skill in the art to have modified the Armbruster '605 device with an adjustable hinge as taught by Armbruster '447 for fixed adjustment of the cleaning head.

10. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



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Primary Examiner  
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